UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,969	04/03/2001	Yoshinori Tanabe	1506.1006 (JDH)	9676

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EXAMINER
BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Office Action Summary	09/823,969	TANABE, YOSHINORI	
	Examiner	Art Unit	
	William L. Bashore	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 February 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2 and 6-8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2 and 6-8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: amendment filed 2/24/2005, to the original application

filed 4/30/2001, with priority filing date of **9/21/2000.**

2.   The objection to the title of the invention has been withdrawn as necessitated by amendment.

3.   The rejection of claim 2 under 35 U.S.C. 112, second paragraph has been withdrawn as necessitated by

amendment.

4.   The rejection of claim 4 under 35 U.S.C. 101 has been withdrawn as necessitated by amendment.

5.   Claims 1-2, 6-8 pending. Claims 3-5 have been canceled. Claims 6-8 have been added. Claims 1, 2, 6-8

are independent.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful
> improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7.   **The claimed invention (as claimed in claim 8) is directed to non-statutory subject matter.**

In regard to independent claim 8, the combined limitations of claim 8 can be interpreted as a series of

mental and/or manual steps (i.e. an HTML coded document can be "generated" (presented or outputted)

manually via paper/pencil. In addition, editing HTML tags (as claimed) can be accomplished mentally and/or

manually).

The examiner's suggestion of changing the preamble of said claim to read *"A computer implemented*

method..." will serve to overcome this rejection.

For the purpose of rejection on the merits, the following rejections are based upon a possible

interpretation of claim 8 as directed to a set of computer implemented methods.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

9.   **Claims 1, 2, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al.**

(hereinafter Davis), U.S. Patent No. 5,937,160 filed 5/1/1997, issued 8/10/1999.

In regard to independent claim 1, Davis teaches an invention which creates/updates HTML

documents via replacement of proprietary extended tags with data, said invention embodied on a medium (Davis

Abstract, column 5 lines 25-33).

Davis teaches reading an HTML document containing a proprietary <RPM> type tag, said HTML

document updated via the replacement of proprietary (i.e. extended) tags <RPM> (said tag type defining various

processing, i.e. <RPMTD>, etc., with said tags themselves not intended to be viewed in a browser) with text

data accordingly (Davis column 5 lines 1-7, column 10 lines 30-41, 64-66, column 11 lines 1-12, column 14

lines 65-67 to column 15 lines 1-44)

Davis teaches the addition of an additional HTML (start and end) tag pair (controlling text bold

parameter <B> - a character style) wrapped around an RPM type tag, said tag pair bolding the text replacing

said RPM type tag (i.e. <B><RPMTD><B>) (Davis column 15 lines 20-29). It is noted that any type of text can

lie between said <B> pair, including pairs of lower element tags, etc (hierarchically based tags).

Davis does not specifically teach "ignoring" said HTML <B> tag pair (or deleting said <B> tag pair). However, Davis teaches a user generating additions and/or revisions to the content for updating (Davis column 8 lines 61-65). Since it is generally known in the word processing art that revisions to a document can embody additions, changes, and deletions, and since the skilled artisan is cognizant of deleting the <B> tag pair altogether, it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret document revisions to include deletions (i.e. leaving blank). Applying this to Davis results in an <RPM> tag replaced with blank space, therefore the <B> (bold) tags would be temporarily ignored since there would be no text to make bold (i.e. <B><RPM><B>) (see also Davis column 15 lines 22-28). Applying this interpretation provides Davis the benefit of leaving data portions blank for future use (i.e. if a customer has yet to obtain a cell phone, RPM text directed to a cell phone number can remain blank in the web page until the appropriate time, therefore preventing confusion).

Davis teaches storage/presentation of a final HTML web page to a client via browser subsequent to updating (Davis Abstract, at bottom, also column 16 lines 61-67).

In regard to independent claim 2, claim 2 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Davis does not specifically teach an RPM type tag as an extended tag "pair". However, since it is well known in the hypertext related arts that tags are generally defined in pairs, and that Davis teaches that a tag can be defined as "any unique set of keyboard symbols used to designate the location and control the placement of incoming page revisions and also to cause specific tasks to be executed." (Davis column 15 lines 27-33), it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret an RPM tag as a tag pair, providing Davis the benefit of nesting tag pairs around other data accordingly (compare with claim 2 "... *and said arbitrary text is enclosed by a predetermined identification extended tag pair*".

In regard to independent claim 6, claim 6 reflects the methods comprising computer readable

instructions used for implementing the medium based program as claimed in claim 1, and is rejected along the

same rationale.

In regard to independent claim 7, claim 7 reflects the apparatus comprising computer readable

instructions used for implementing the medium based program as claimed in claim 1, and in further view of the

following, is rejected along the same rationale.

Davis discloses a computer (Davis Figure 1 items 10, 20).

In regard to independent claim 8, Davis teaches an invention which creates/updates HTML

documents via replacement of proprietary extended tags with data (Davis Abstract, column 5 lines 25-33).

Davis teaches the addition of an additional HTML (start and end) tag pair (controlling text bold

parameter <B> - a character style) wrapped around an RPM type tag, said tag pair bolding the text replacing

said RPM type tag (i.e. <B><RPMTD><B>) (Davis column 15 lines 20-29). Davis does not specifically teach

"ignoring" said HTML <B> tag pair. However, Davis teaches a user generating additions and/or revisions to the

content for updating (Davis column 8 lines 61-65). Since it is generally known in the word processing art that

revisions to a document can embody additions, changes, and deletions, it would have been obvious to one of

ordinary skill in the art at the time of the invention to interpret document revisions to include deletions (i.e.

leaving blank). Applying this to Davis results in an <RPM> tag replaced with blank space, therefore the <B>

(bold) tags would be deemed undesirable and temporarily ignored since there would be no text to make bold (i.e.

<B><RPM><B>) (see also Davis column 15 lines 22-28). Applying this interpretation provides Davis the

benefit of leaving some data portions blank for future use (i.e. if a customer has yet to obtain a cell phone, RPM

text directed to a cell phone number can remain blank in the web page until the appropriate time, therefore

preventing confusion).

Response to Arguments

10.   Applicant's arguments filed 2/24/2005 have been fully and carefully considered but they are not persuasive.

        Applicant argues on pages 7-8 of the amendment that the cited art does not teach deleting tag pairs. It is respectfully noted that a user can add, modify, or delete tag pairs accordingly.

        It is respectfully noted that Davis's <RPM> tag acts as a sort of placeholder, and does not require replacing with text, therefore, said <RPM> tag may never develop into text.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

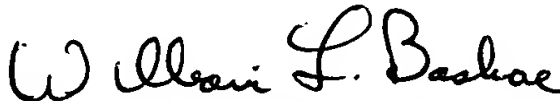   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on 11:30am - 8:00pm EST. During the month of October 2004, the examiner's telephone number will transition to **(571) 272-4088.**

13.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild

can be reached on (703) 305-9792. The fax phone number for the organization where this application or

proceeding is assigned is 703-872-9306. During the month of October 2004, the supervisor's telephone number

will transition to **(571) 272-4090**.

14.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

WILLIAM BASHORE
PRIMARY EXAMINER

May 31, 2005